

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:04CR503
vs.)
ANTONIO FRANCISCO GOODWIN,)
Defendant.) ORDER

This matter is before the court on the motion to continue trial by defendant Antonio Francisco Goodwin (Goodwin) (Filing No. 31). Goodwin seeks a continuance of the trial to a date after September 12, 2005. Defense counsel represents to the court that counsel for the government has no objection to the extension. Goodwin has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Goodwin consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Goodwin's motion to continue trial (Filing No. 31) is granted.
2. Trial of this matter is re-scheduled for **September 19, 2005**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 27, 2005 and September 19, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 27th day of July, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge